

ORIGINAL

FILED

July 13 2010

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

JUL 13 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Daniel G. Gillispie
GILLISPIE LAW OFFICE
1925 Grand Avenue, Suite 121A
Billings, MT 59102
(406) 256-7609
Attorney for Plaintiff

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

RICHARD KERSHAW,

Appellant,

-vs-

MONTANA DEPARTMENT OF
TRANSPORTATION and JOHN DOES I-X,

Appellee.

NOTICE OF APPEAL

NOTICE is given that Richard Kershaw, the Appellant above-named and who is the plaintiff in that cause of action filed in the Thirteenth Judicial District, in and for the County of Yellowstone as Cause No. DV 08-0607, hereby appeals to the Supreme Court of the State of Montana from the final judgment or order entered in such action on the 12th day of July, 2010.

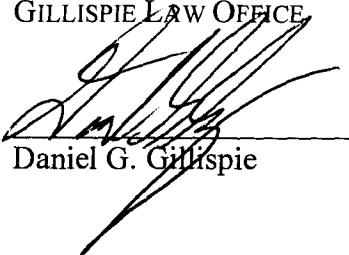
THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by M.R.App. P. 7. The money judgment being sought is not less than \$5,000.
2. That this appeal is not an appeal from an order certified as final under M.R.Civ.P. 54(b).
3. That Plaintiff intends to challenge the constitutionality of an act of the Montana legislature, however the State is a party and no further notice of such challenge is required under M.R.App.P. 27.
4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal.

1 5. That included herewith is the filing fee prescribed by statute.

2 DATED this 12th day of July, 2010

3 GILLISPIE LAW OFFICE

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5 Daniel G. Gillispie
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8 Certificate of Service

9 The undersigned, being of such age and discretion to serve papers hereby certifies that on this
10 12th day of July, 2010, he served a copy of the above *Notice of Appeal* by placing said copy in a
11 prepaid envelope addressed to the person hereinafter named, via U.S. Mail:

12 Pamela Snyder-Varns
13 TORT DEFENSE DIVISION
14 1625 11th Avenue, Middle Floor
15 Helena, Montana 59620
16 *Attorney for Defendant*

17 Carol Muessig
18 CLERK OF DISTRICT COURT
19 217 N. 27th Street
20 PO Box 35030
21 Billings, MT 59107
22 *Clerk of District Court for Yellowstone County*

23 GILLISPIE LAW OFFICE

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25 Daniel G. Gillispie
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